

**Statement by Mark Gilliland – GEF LORAX Working Group, chairperson**

FERC Technical Conference on Vegetation Management, Oct. 26, 2010

Good Afternoon. My name is Mark Gilliland and I am chairperson of the Greenburgh Environmental Forum's LORAX Working Group.

I would like to thank FERC staff and Mark Hegerle for the opportunity to present the Landowner's perspective and concerns at this roundtable discussion.

I want to take a moment to acknowledge other members of LORAX who have come to attend this conference: Marvin Baum, our utility analyst from Rockland County; Amy Kupferberg, a landowner from Orange County; and Chris Crane, Corporate Counsel for the Westchester Board of Legislators.

The LORAX working group is a non-profit volunteer organization with members from the NYC metropolitan area's densely populated northern suburbs. LORAX is tasked with the study of current regulations, guidelines and practices relating to regional utilities' vegetation management practices as approved by the NYS Public Service Commission (PSC). Our goal is to recommend possible legislative, regulatory and oversight changes at the local municipal, regional and state levels for both distribution and transmission line vegetation management. We believe that the goal of service reliability can and should be balanced more intelligently with the needs of property owners (private or municipal) to protect against environmental degradation, to minimize aesthetic and health impacts, and to reduce property value losses and the "trickle-down" costs of mitigation.

LORAX was formed in Fall of 2009 after wide-spread public outcries due to the impacts of TVMP clear-cutting operations in our region. LORAX helped local municipal governments respond to the outcry with a TVMP Moratorium resolution demanding that the NYS PCS cease all vegetation management activities while a public review of the current guidelines (embodied in PSC Order 04-E-0822) were undertaken. The goal was (and is) to eliminate what our local politicians have referred to as a "scorched earth" policy in ROW management.

*[ As part of our conference submissions, we have included the Westchester County Board of Legislators' resolution 26-2010 which was passed unanimously on March 1, 2010. ]*

Here is a short list of the impacts resulting from the enhanced ROW clearing guidelines issued by the NYS PSC in 2005 that have adversely changed the character of our communities:

- Unselective clear cut of all vegetation – trees and shrubs of any size or species – across the entire width of the ROW.
- Elimination of view shed buffers along scenic parkways and local roads.
- Elimination of vegetative buffers protecting against noise, exhaust fumes and headlight glare along major parkways and roads.
- Elimination of natural shade and cooling resources, as well as wind breaks.
- Reduction in stormwater infiltration resulting in increased flooding and erosion.

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- Incursion into and damage to riparian buffers, water courses, wetlands and other sensitive habitat zones.
- Destruction of habitat for bird, insect and amphibian species.
- Segmentation of woodland habitats into smaller, disconnected areas, thereby reducing ecosystem resiliency.
- Creation of habitat optimized for spread of invasive and noxious plant and animal species.
- Reliance upon wide-spread application of herbicides to achieve IVM goals.
- Slow, incomplete or ecologically unsound clean-up of TVMP debris.
- Reduction of real property values anywhere from 20-30%.
- Health impacts on residents due to loss of trees and the associated sights and sounds of native woodlands.
- “Trickle-down” costs of mitigation – property owners forced to pick up the costs of replanting, stormwater control and erosion fixes.

*[ More detailed observations and recommendations submitted as background materials are contained within the second LORAX submission to this Roundtable. ]*

As a nation, we need to carefully consider the value equation of our natural tree resources in terms of recurring environmental cost benefits and savings – including such variables as carbon sequestration, stormwater absorption, air pollution reduction, thermal cooling and wind break effects, to name just a few. Using a simple online tree benefits calculator [<http://www.treebenefits.com/calculator/> ] derived from the USDA Forest Service’s i-Tree / Stratum database, the annual recurring value of lost trees just in Westchester alone has been estimated by LORAX to be well over \$6 million.

Other environmental costs resulting from current TVMPs include: excessive reliance on herbicides for IVM practices, unconstrained spread of invasive species, disruption of native food web, and overall watershed degradation. All of this underlines the need for proper environmental analysis combined with responsible mitigation requirements. TVMP (esp. with regard to edge-to-edge ROW clearing) should not be considered merely “maintenance” and thus excused from environmental review. As a nation, we need to ensure that the utilities don’t by-pass Federal or State environmental review laws, and that such reviews occur on a local segment-by-segment basis.

Finally, LORAX would like to note that the focus of reliability discussions must also include modern ROW management techniques (such as “tiered” border zone vegetation management), technological innovations, the modernization of the aging electrical grid, as well as the proper training and supervision of staff at all levels of operations. As the joint US/Canadian 2006 report concerning the 2003 blackout shows, only one of the 46 recommendations outlined concerned vegetation management.

I would like to end with a quote from Legislator Tom Abinanti who is chairman of the Westchester Board of Legislator’s Environment and Energy Committee. This is Tom speaking at a recent public hearing in Greeburgh as part of the PSC’s Case 10-E-0155 review of vegetation management in NYS:

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"You can tell that there are a lot of us who are angry, because we spend a lot of time ... doing whatever is necessary to preserve the environment in Westchester. We are banning phosphorous from water. We are prohibiting people from idling their motor vehicles because we don't want the air pollution. Well, Con Ed, in one fell swoop, has done much more damage than we could ever replace with any of that legislation. It's all gone. All of the stuff, all the efforts that we put in day in and day out to preserve our community are just gone." [p. 110-11 of transcript]

I would like to add my own personal observation that it takes only minutes with a chain saw to fell a tree, but decades to re-grow one. The environmental legacy of current TVMPs will be left to our children and their children to deal with - unless we change practices and regulations now.

To summarize, LORAX submits that the five keys to effective and acceptable vegetation management are: 1) full environmental analysis and associated resource protection, 2) advanced property owner notification & public meetings, 3) scope-of-work mediation, 4) proactive impact mitigation, and 5) improved staff training & performance oversight.